

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 142 of 206 (S/B)

Ramesh Kumar Pandey S/o Late Sri Rama Shankar Pandey
R/o Assistant Engineer, Doiwla Sugar Co. Ltd.
Doiwala, Dehradun. Petitioner

Versus

1. State of Uttaranchal through Secretary (Sugars)
Uttaranchal Shasan, Dehradun.
2. Chief Executive Officer, Uttaranchal Sugars
Dehradun.
3. Kripal Singh, Assistant Engineer,
Doiwala Sugar Co. Ltd.,
Doiwala, Dehradun.
4. R.K. Sharma, Assistant Electrical Engineer
Kichha Sugar Co. Ltd., Kichha
Udham Singh Nagar.
5. Kamalendra Rahinwal, Assistant Engineer
Doiwala Sugar Co. Ltd.,
Doiwala, Dehradun. Respondents

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Sri S.N. Babulkar, Sr. Counsel with Sri Tumul Nailwal, Advocate for the petitioner.
Sri Subhash Upadhyay, Standing Counsel for respondents 1 and 2.
Sri Rajendra Dobhal, Advocate for respondents 3 to 5.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri S.N. Babulkar, Sr. Counsel with Sri Tumul Nailwal, Advocate
for the petitioner.

Sri Subhash Upadhyay, Standing Counsel for respondents 1 and 2.

Sri Rajendra Dobhal, Advocate for respondents 3 to 5.

They are heard.

2. Sri Subhash Upadhyay, the learned Standing Counsel for respondents 1 and 2 & Sri Rajendra Dobhal, the learned counsel for respondents 3 to 5 have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Sri S.N. Babulkar the learned senior counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P.No. 257 (S/B) 2005)**, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is liable to be dismissed.

6. The writ petition, therefore, is dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the grievances projected by the petitioner in the writ petition.

(J.C.S.Rawat , J.)
23.03.2007

(Rajeev Gupta, C. J.)
23.03.2007

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